

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHARON JAMES and PATRICIA  
RODRIGUEZ, on behalf of themselves and  
all others similarly situated,

Plaintiffs,

v.

CHOCMOD USA INC., et al.,

Defendants.

No. 1:22-cv-01435-JLT-SKO

ORDER DIRECTING THE CLERK TO  
TERMINATE DEFENDANT OVERSEAS  
FOOD TRADING LTD.

(Doc. 11)

On February 15, 2023, the parties filed a Stipulation for Voluntary Dismissal of Defendant OverSeas Food Trading Ltd. without prejudice. (Doc. 11.)

In relevant part, Federal Rule of Civil Procedure 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the

1 action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111  
2 F.3d 688, 692 (9th Cir. 1997).

3 Because the parties filed a stipulation of dismissal without prejudice under Rule 41(a), this  
4 case has automatically terminated as to Defendant OverSeas Food Trading Ltd.. Fed. R. Civ. P.  
5 41(a)(1)(A). Accordingly, the Clerk of Court is directed to TERMINATE Defendant OverSeas  
6 Food Trading Ltd.

7 This case shall remain OPEN pending resolution of Plaintiff’s case against the remaining  
8 defendant.

9  
10 IT IS SO ORDERED.

11 Dated: **February 16, 2023**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE